

07/20/01  
U.S. PTO

BAKER BOTTS LLP

07-23-01

Please type a plus sign (+) inside this box → +

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. A33626-A 067252.0107

First Inventor Smith et al.

Title RECOMBINANT \* see attached

Express Mail Label No. EK 839 854 877 US 877

JC997 U.S. PRO  
09/910186  
07/20/01**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 74]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
- Claim(s) [ Total Sheets 7 ]
- Abstract of the Disclosure [ Total Sheets 1 ]
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 23 ]
5. Oath or Declaration [ Total Pages ]
- a.  Newly executed (original or copy)
- b.  Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
- i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b)
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a.  Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
  - i.  CD-ROM or CD-R (2 copies); or
  - ii.  paper
- c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney  
(when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16.  Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP)

of prior application No. 09/611,419

Prior application information:

Examiner TBA

Group Art Unit 1653

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	21003 (Insert Customer No. or Attach bar code label here)		or <input type="checkbox"/>	Correspondence address below	
Name					
Address					
City	State		Zip Code		
Country	Telephone		Fax		
Name (Print/Type)	Rochelle K. Seide	Registration No. (Attorney/Agent)	32,300		
Signature	<i>Rochelle K. Seide</i>		Date	07-20-2001	

**BAKER BOTTS LLP****Addendum Sheet 1****Att Docket #: A33626-A 067252.0107****\*Question 4 Addendum**4.a. Drawings are       formal       informal**\* Question 5 Addendum**5.c.  An unsigned oath or declaration is included.**\* Question 8 Addendum**8.d.  A sequence submission will follow.**\* Question 9 Addendum**9.a.  Assignment documents will follow.9.b.  Assignment documents have been filed in parent application No.**\* Question 11 Addendum**11.a.  English translation will follow.**\* Question 12 Addendum**12.a.  Copies of IDS citations will follow.**\* Question 15 Addendum**15.a.  Certified copies of priority documents will follow.15.b.  Certified copies of priority documents have been filed in parent application No.

Use the space below for additional information

Sequence Listing enclosed herewith comprises 53 pages.

EK 839 854 877 US

Title (continued):

RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN

**BAKER BOTTS LLP**

Att Docket #: A33626-A 067252.0107

## Addendum Sheet 2

18a. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No \_\_\_\_\_  
Prior application information    Examiner \_\_\_\_\_    Group Art Unit \_\_\_\_\_

18b. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No \_\_\_\_\_  
Prior application information    Examiner \_\_\_\_\_    Group Art Unit: \_\_\_\_\_

18c. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76.

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No. \_\_\_\_\_  
Prior application information: \_\_\_\_\_ Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_

- Amend the specification by inserting before the first line the sentence(s)

"This application is a  Continuation  Divisional  Continuation-in-part (CIP) of:

"This application is based upon:  
prior application No.: \_\_\_\_\_, incorporated by reference herein

which is a  Continuation  Divisional  Continuation-in-part (CIP) of:

which is based upon:  
prior application No.: \_\_\_\_\_, incorporated by reference herein

which is a  Continuation  Divisional  Continuation-in-part (CIP) of:

which is based upon.  
prior application No.: \_\_\_\_\_, incorporated by reference herein

which is a  Continuation  Divisional  Continuation-in-part (CIP) of:

which is based upon:  
prior application No.: \_\_\_\_\_, incorporated by reference herein

which is a  Continuation  Divisional  Continuation-in-part (CIP) of:

which is based upon:  
prior application No.: \_\_\_\_\_, incorporated by reference herein

which is a  Continuation  Divisional  Continuation-in-part (CIP) of:

which is based upon:  
prior application No.: \_\_\_\_\_, incorporated by reference herein

Priority under 35.U.S.C. §119 is claimed based upon the following applications

#### **Foreign Applications:**

Country: \_\_\_\_\_

Serial No:

**Filing Date:**

Country: \_\_\_\_\_

Serial No.: \_\_\_\_\_

Filing Date:

Country: \_\_\_\_\_

**Serial No:**

Filing Date:

#### **Provisional Applications:**

Serial No: \_\_\_\_\_

Filing Date:

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date:

# FEE TRANSMITTAL for FY 2001

*Patent fees are subject to annual revision.*

TOTAL AMOUNT OF PAYMENT	(\$)	2,174
-------------------------	------	-------

*Complete if Known*

Application Number	
Filing Date	July 20, 2001
First Named Inventor	Smith et al.
Examiner Name	
Group Art Unit	
Attorney Docket No.	A33626-A 067252.0107

**METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:  
 Deposit Account Number **02-4377**  
 Deposit Account Name **Baker Botts LLP**  
 Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

- Check  Credit card  Money Order  Other

**FEE CALCULATION**

**1. BASIC FILING FEE**

Large Entity Small Entity

Fee (\$)	Fee (\$)	Fee Description	Fee Paid
710	355	Utility filing fee	710
320	160	Design filing fee	
490	245	Plant filing fee	
710	355	Reissue filing fee	
150	75	Provisional filing fee	

SUBTOTAL (1) **(\$)** 710

**2. EXTRA CLAIM FEES**

Total Claims	48	.20** =	28	X	18	=	504
Independent Claims	15	-3** =	12	X	80	=	960
Multiple Dependent							

Large Entity Small Entity

Fee (\$)	Fee (\$)	Fee Description
18	9	Claims in excess of 20
80	40	Independent claims in excess of 3
270	135	Multiple dependent claim, if not paid
80	40	** Reissue independent claims over original patent
18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **(\$)** 1,464

\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
110	55	Extension for reply within first month	
390	195	Extension for reply within second month	
890	445	Extension for reply within third month	
1,390	695	Extension for reply within fourth month	
1,890	945	Extension for reply within fifth month	
310	155	Notice of Appeal	
310	155	Filing a brief in support of an appeal	
270	135	Request for oral hearing	
1,510	1,510	Petition to institute a public use proceeding	
110	55	Petition to revive - unavoidable	
1,240	620	Petition to revive - unintentional	
1,240	620	Utility issue fee (or reissue)	
440	220	Design issue fee	
600	300	Plant issue fee	
130	130	Petitions to the Commissioner	
50	50	Processing fee under 37 CFR 1.17(q)	
180	180	Submission of Information Disclosure Stmt	
40	40	Recording each patent assignment per property (times number of properties)	
710	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
710	355	For each additional invention to be examined (37 CFR § 1.129(b))	
710	355	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **(\$)** 0

**SUBMITTED BY**

Name (Print/Type)	Rochelle K. Seide	Registration No (Attorney/Agent)	32,300	Complete (if applicable)
Signature	<i>Rochelle K. Seide</i>	Date	July 20, 2001	